THE HON'BLE SRI JUSTICE
GODA RAGHURAM
And
THE HON'BLE SRI JUSTICE
R. SUBHASH REDDY

W.P.No.15081 of 2007

Dated: 19-12-2007

Between:

A. Vimaladevi

…Petitioner

And
The Registrar (Administration),
High Court of A.P., Hyderabad and others.

…Respondents

THE HON'BLE SRI JUSTICE
GODA RAGHURAM
And
THE HON'BLE SRI JUSTICE
R. SUBHASH REDDY

W.P.No. 15081 of 2007

Oral Order: (Per: The Hon'ble Sri justice Goda Raghuram)

The writ petition is filed by the widow of the deceased employee Sri A. Sudhakar Reddy, who died in harness while serving as an Additional Judge, City Small Causes Court, Hyderabad, on

18-07-1996 leaving behind the petitioner-second wife and Mr. A. Phaninder Reddy, a son by first wife. Sri A. Sudhakar Reddy had married and begotten A. Phaninder Reddy through first wife. The first wife died on 18-08-1987. Thereafter the petitioner was married to Sudhakar Reddy and through whom she bore two children of whom one expired. The petitioner has a son surviving through the marriage. On 28-06-1996, the deceased Sudhakar Reddy executed a will in favour of the petitioner and on 28-03-1997 after the death of Sudhakar Reddy, the petitioner applied for terminal benefits including the family pension. The second respondent on 05-04-1997 directed the petitioner and the son-Phaninder Reddy through first wife, to enter into a compromise. They did so and agreed to share the family pension equally. On 28-02-2005, Mr. Phaninder Reddy, the son through first wife of Sudhakar Reddy, expired. Thereupon on

27-02-2006, the petitioner represented to the respondent Nos. 1 and 2 to pay full pension in lieu of the death of Phaninder Reddy. On

13-03-2006, the first respondent forwarded the representation of the petitioner to the second respondent and on 14-07-2006, the impugned order was issued by the second respondent rejecting the petitioner's claim for payment of full family pension, including the component/share of pension earlier paid to Phaninder Reddy during his life time, on the ground that Rule 50 (6)

of the Andhra Pradesh Revised Pension Rules, 1980 (for short 'the Rules') disentitles the petitioner to accretion of the pension earlier paid to Phaninder Reddy (during his life time) to the surviving widow, the petitioner on the death of Phaninder Reddy.

At the hearing of the writ petition, learned counsel for the petitioner Sri C. Srinivasa Baba states that the petitioner does not wish to pursue the writ petition and instead would seek to make a representation to the State Government to exercise the power of relaxation under Rule 54 of the Rules.

In the light of the submission made, the writ petition is dismissed as 'withdrawn' with liberty granted to the petitioner to submit a representation to the State Government for exercise of the discretion under Rule 54 of the Rules. No costs.

GODA RAGHURAM, J

R. SUBHASH REDDY, J

Dated: 19-12-2007
Pvks/*